

Exhibit

32

000010

Arlo García Uriarte, SBN 231764
Ernesto Sánchez, SBN 278006
Un Kei WU, SBN 270058
Daniel P. Iannitelli, SBN 203388
LIBERATION LAW GROUP, P.C.
2760 Mission Street
San Francisco, CA 94110
Telephone: (415) 695-1000
Facsimile: (415) 695-1006

Attorneys for PLAINTIFF
RENALDO NAVARRO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RENALDO NAVARRO,

Plaintiff,

vs.

MENZIES AVIATION, INC., doing
business as MENZIES and DOES 1 through
10, inclusive.

Defendants.

Case No.: 3:19-cv-08157 VC

**DECLARATION OF RAFAEL VAZQUEZ
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO SUMMARY JUDGMENT**

Date: November 19, 2020
Time: 10:00 a.m.
Place: video conference link

Hon. Vince Chhabria
San Francisco Courthouse
Courtroom 4 – 17th Floor

Action Removed: December 16, 2019
Action Filed: October 23, 2019

1
2
3 I, Rafael Vasquez, have personal knowledge of the matters stated herein and if called upon
4 as a witness, I would competently testify as follows:

5 1. I am an employee of Menzies Aviation, Inc. ("Defendant"). I started working for
6 Defendant in 2017 as an aircraft fueler. I am a union steward for SEIU Airports Division
7 ("Union"). It was in this capacity that I became aware of the complaints made by many of my
8 fellow aircraft fuelers (also employed by Defendant hereinafter "Fuelers") regarding Andrew
9 Dodge and their working conditions.

10 2. I know Mr. Renaldo Navarro as the supervisor of many of Defendant's fuelers
11 during the 11:00 p.m. to 7:00 a.m. shift. He is well respected. He respects fuelers and is not
12 abusive. Fuelers listened to him and he was not intimidating. He is known to be even handed
13 and someone you can talk to. During my time as a union steward there we no complaints made
14 to the Union about Mr. Navarro. On the contrary, we often talked to Mr. Navarro – pleading that
15 he help us talk to management and make them understand our complaints against Mr. Dodge.

16 3. Before August 2018, between 2017 and 2018, the Fuelers made multiple
17 complaints to the Union regarding an abusive supervisor by the name of Andrew Dodge. The
18 complaints included verbal abuse, threats, and even physical confrontations with some of the
19 fuelers. These complaints were communicated to management for over a year. We would have
20 meetings with management every week to two weeks. The complaints were communicated
21 during these meetings. The shop stewards would communicate these to management attendees:
22 Renil Lal, John Qually, Nicco, Raul Vargas would often attend. They knew that especially the
23 Filipino fuelers were being harassed and discriminated by Mr. Dodge.

24 4. Mr. Dodge is a strange individual. Please remember that this time frame – 2016,
25 when Mr. Dodge was hired, 2017 when I came on board, through 2018, was when Trump had
26 just gotten elected. Mr. Dodge, as a white man, and most likely anti-immigrant, would engage in
27 really strange behaviour towards the Filipino fuelers. One time, before August 2018, I witnessed
28 as Dodge lit up the fuelers with truck lights- very strong lights – as they were exiting the

1 workplace. He was pretending that he was an ICE agent, inspecting the fuelers as they walked
2 by. We communicated this incident to management but nothing was done.

3 5. It is my sincere belief that management looked the other way regarding Mr. Dodge
4 because he is a white man. Ms. Aguilera is also a white person. Mr. Qually as well. They
5 “needed” a white supervisor for appearance purposes, and given the political situation then, these
6 white folks bonded together.

7 6. Fuelers also accused Mr. Dodge of sleeping while on duty. This was common
8 knowledge and dangerous in my opinion. There are pictures of Mr. Dodge sleeping in the truck,
9 a company truck that was in the tarmac. This is dangerous. I do not believe that a Filipino
10 supervisor who slept on the job would be given any accommodation, it is dangerous.

11 7. I was personally told by several fuelers then that Mr. Dodge’s poor supervision
12 and deficient performance led to flights being delayed and the Fuelers not getting their meal and
13 rest periods as they should have. As far as I know he was not reprimanded for this. If Filipino
14 supervisors did that, they would be treated differently, reprimanded, even suspended.

15 8. Due to Defendant’s inactions, the work environment of the Fuelers became hostile
16 as Mr. Dodge continued his abusive behavior towards the Fuelers. I could not believe how
17 Defendant could allow Mr. Dodge to continue harassing the Fuelers and setting them up for failure
18 as the Union continued to receive complaints. When we receive these complaints, we
19 communicated these to management in our weekly meetings and when we saw them.

20 9. I found out around August 2018, that the Fuelers decided to write a petition against
21 Mr. Dodge. I signed this petition. Along with many fuelers and two supervisors, including Mr.
22 Navarro.

23 10. I am aware that the Union office was aware we were getting signatures from
24 fuelers in a petition against a supervisor, Mr. Dodge. The union officer I spoke about the petitions
25 was Charles Owinche. I know that Mr. Owinche knows Mr. Navarro. It does not make sense to
26 me that Mr. Owinche would be upset that Mr. Navarro or any supervisor would be lending support
27 to the fuelers and making people sign the petition. I, Mark Ilagan, Jezen Canlas, union stewards,
28 were asking people to sign the petition. Mr. Navarro played a minor role, by signing the petition
and lending support. He also helped us deliver the first petition to management.

1 11. The attorneys for Mr. Navarro explained to me that supposedly Mr. Owinche
2 called Ms. Aguilera to complain that fuelers were being pressured to sign a petition. But this does
3 not make sense. We are the union stewards, me, Jezen Canlas, and Mark Ilagan. It was us who
4 were asking people to sign the petition. Why would we complain, including Mr. Charles
5 Owinche, that a supervisor would be pressuring others to sign the petition? We wanted people,
6 fuelers and supervisors, to sign the petition. That was not the subject of our concern then, nor
7 that of Mr. Owinche.

8 12. I was informed by others that Mr. Owinche has now moved to the East Coast and
9 is no longer with the Union. I believe he left his job with the Union in late 2018.

10 13. After the first petition was going around the workplace in July and/or August 2018,
11 fuelers complained to me that Andrew Dodge was stopping them from signing the petition. He
12 told fuelers that it was illegal to engage in such conduct in the workplace. I then talked to Charles
13 about this matter and he instructed me to tell the fuelers that as long as the signing of the petition
14 did not interfere with their job functions, and it occurred in the break room or outside the premises,
15 after or before the shift hours, then union members can sign the petition. I informed the fuelers
16 about this, but the complaints that Andrew Dodge engaged in illegal anti-union activities
17 continued. I believe that it was at this point that Mr. Owinche may have called Ms. Aguilera.

18 14. Instead of taking the complaints and the petition seriously, Defendant did not do
19 anything to discipline or retrain Mr. Dodge. We were instead “put in our place” when Mr. Dodge
20 not only did not get in trouble, it was Mr. Navarro who was terminated. The Union reported the
21 Fuelers’ complaints to Defendant.

22 15. Several months after the first petition, I took it upon myself to write a second
23 petition. Again, this second petition was not acted on. I took this petition to Raul Vargas and
24 gave him the petition myself. No investigation was ever done.

25 16. The reason I took it upon myself to write this petition is because management
26 needed to do something for the Filipino fuelers who were getting harassed and subjected to
27 abusive behavior by Andrew Dodge. It had been going on for over a year already.
28

1 17. I personally witnessed how Mr. Dodge spoke and treated Filipinos, Latinos and
 2 South Asians differently compared to white employees. Mr. Dodge was demeaning and
 3 degrading to nonwhites. It was obvious that Mr. Dodge feels racially superior to nonwhites.

4 18. My opinion is that because Mr. Dodge is Caucasian and a supervisor, management
 5 wanted to side with him because of his race. Mr. Navarro is Filipino and a supervisor.
 6 Management discriminated against him. That is my opinion.

7 19. I know that John Qually, Renil Lal, Raul Vargas, Nicco were all aware of these
 8 issues of discrimination, harassment and abusive behavior but ignored it.

9 20. I wrote the November 18, 2018, letter and gave that to Mr. Navarro.

10 21. I spoke to Raul Vargas three times about Mr. Dodge. I spoke to him about the
 11 abusive behavior of Mr. Dodge, his harassment and his discriminatory attitude towards the
 12 fuelers. Mr. Vargas nor anyone from management did not address our concerns. I remember
 13 giving Raul Vargas the second petition myself. Another time, I told Mr. Vargas that Mr. Dodge's
 14 harassing and abusive behavior had not changed. These conversations happened between August
 15 and November 2018.

16 22. When Menzies took over the ASIG operations, they did not give us handbooks to
 17 sign or any code of conduct documents. I know this because for the longest time we were still
 18 using forms from ASIG. I do not remember getting handbooks specifically from Menzies.

19 I declare under penalty of perjury under the laws of the United States and in the State of
 20 California that the foregoing is true and correct.

21
 22
 23
 24 *Rafael cano vasquez*

Oct 31, 2020

25 _____
 26 Rafael Vasquez

27 _____
 28 Date



Signing Log

Document ID: W6J5JLP5

Liberation Law Group P.C. (signrequest@liberationlawgroup.com)

Document name: Declaration of Vasquez 10312020 Navarro v Menzies v2.pdf
 SHA256 security hash:
 b0b2321d7195968346086e13b4b0f2a3088573607774702b664c2b7b190a9d74

Sent on: Nov. 1, 2020, 4:01 a.m. (UTC)

From: SignRequest <no-reply@signrequest.com> on behalf of
 (signrequest@liberationlawgroup.com)

To: falocanovasquez@msn.com

Subject: Liberation Law Group P.C.
 (signrequest@liberationlawgroup.com) has sent you a
 SignRequest

Message:

Hello Rafael,
 Please sign the declaration per Arlo Uriarte's request.
 Thank you.

IP address: 73.92.8.235

User agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/
 537.36 (KHTML, like Gecko) Chrome/86.0.4240.111 Safari/
 537.36

signrequest@liberationlawgroup.com

Email address verification: Verified by SignRequest

falocanovasquez@msn.com

Email address verification: Verified by SignRequest

Text added, page 5: Oct 31, 2020

Signature added, page 5:

Rafael cano vasquez

IP address: 172.56.39.58

User agent: Mozilla/5.0 (iPhone; CPU iPhone OS 13_6_1 like Mac OS X)
 AppleWebKit/605.1.15 (KHTML, like Gecko) Version/13.1.2
 Mobile/15E148 Safari/604.1

Document signed: Nov. 1, 2020, 4:39 a.m. (UTC)

000016